

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GERMAN CRUZ

v.

SUPERINTENDENT GRACE, THE  
DISTRICT ATTORNEY OF THE COUNTY  
OF PHILADELPHIA, and THE ATTORNEY  
GENERAL OF THE STATE OF  
PENNSYLVANIA

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CIVIL ACTION

No. 06-5642

ORDER

AND NOW, this 23rd day of February 2009, upon consideration of the Petition for Writ of Habeas Corpus (Doc. No. 15), Respondents' Response in opposition (Doc. No. 25), Petitioner's Reply (Doc. No. 26), the Report and Recommendation of United States Magistrate Judge Henry S. Perkin (Doc. No. 27), and Petitioner's Written Objections thereto (Doc. No. 28), it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED AND ADOPTED;
2. The Petition for Writ of Habeas Corpus is DENIED AND DISMISSED;
3. A certificate of appealability SHALL NOT issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right and because reasonable jurists would not find the correctness of the procedural aspects of this decision debatable. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000); and
4. The Clerk of Court shall mark this case CLOSED for statistical purposes.

BY THE COURT:

/S/LEGROME D. DAVIS

Legrome D. Davis, J.